

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Larry A. White,

Plaintiff,

v.

Bryan P. Stirling, *Director of SCDC*;
Dennis Patterson, *Assistant Deputy*
Director of SCDC; Daniel Harouff,
Deputy Warden at Perry Correctional
Institution; Curtis Earley, *Warden at*
Perry Correctional Institution; David
Burzenski, *Lieutenant at Perry*
Correctional Institution; Ms. Williams,
Classification Caseworker at Perry
Correctional Institution; Brent
Blakeley, *Captain at Perry*
Correctional Institution; Giddel
Salazar, *Lieutenant at Perry*
Correctional Institution; SCDC,

Defendants.

Case No. 9:24-cv-03715-JDA-MHC

OPINION AND ORDER

This matter is before the Court on Plaintiff's motion for preliminary injunction. [Doc. 45.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Molly H. Cherry for pre-trial proceedings.

On February 20, 2025, the Magistrate Judge issued a Report and Recommendation ("Report"), recommending that Plaintiff's motion for preliminary injunction be denied. [Doc. 49.] The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious

consequences if they failed to do so. [*Id.* at 7.] No party has filed objections, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, Plaintiff’s motion for preliminary injunction [Doc. 45] is DENIED.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

March 25, 2025
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.